



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ZON-20475 - APPLICANT/OWNER: KYLE ACQUISITION
GROUP, LLC, ET AL**

**** CONDITIONS ****

The Planning Commission (6-0-1/bg vote) and staff recommend APPROVAL

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning to establish the G-O (Gaming Enterprise Overlay) District for a non-restricted gaming and retail development for a portion of 51.37 acres on the west side of Oso Blanca Road, approximately 2,190 feet south of Kyle Canyon Road. Staff finds that the proposal is generally consistent with Nevada Revised Statutes (NRS) and the General Plan. The establishment of the G-O (Gaming Enterprise Overlay) District will be limited to those parcels approved as a part of the Special Use Permit (SUP-20478), if approved, for a gaming establishment, non-restricted and are wholly outside the required separation areas.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/05/03	The City Council approved an Annexation Petition (A-0038-02) to annex undeveloped property located in various parts of the city under the provisions of NRS 268.597 No. 1(b) include a portion of the subject site. Planning Commission and staff recommended approval.
12/01/04	The City Council approved a Resolution Adopting Guidelines for Development within the Kyle Canyon Gateway Area (R-176-2004) to provide direction for the future development, subsequent to an anticipated purchased at auction in February 2005, of approximately 1,700 acres of Bureau of Land Management (BLM) managed land.
06/15/05	The City Council approved a Special Use Permit (SUP-6401) and a Site Development Plan Review (SDR-6402) for a proposed 5,843 square-foot tavern to be located on a portion of this site. Planning Commission and staff recommended approval.
09/06/06	The City Council approved a Required Review (RQR-15486) for a one-year review of an approved Site Development Plan Review (SDR-6402) for a proposed 5,843 square foot tavern to be located on a portion of this site.
10/05/06	The Planning Commission approved a Site Development Plan Review (SDR-16166) for a proposed 5,843 square-foot tavern and 6,750 square-foot retail development to be located on a portion of this site. Staff recommended approval.
05/16/07	The City Council approved a Rezoning (ZON-20543) and Development Agreement (DIR-21605) to adopt the Kyle Canyon Development Standards and Design Guidelines and the Development Agreement for the Kyle Canyon Master Plan area. The Planning Commission and staff recommended approval.
07/18/07	The City Council approved a Review of Condition (ROC-22954) to remove extraneous conditions from a Rezoning (ZON-20543) approval. This rezoning action approved the Kyle Canyon Development Standards and Design Guidelines. Staff recommended approval.

07/25/07	Staff administratively approved a Parcel Map (PMP-22508) to merge and re-subdivide two lots that are a part of the subject site. This map was recorded on 07/31/07. The parcel map creates the lots reflected in the Special Use Permit (SUP-20478) and this item for the approvals to meet the NRS 463.3086 requirements for a non-restrictive gaming facility.
08/15/07	The City Council will hear a Major Modification (MOD-22589) to clarify some street cross-sections and a Tentative Map (TMP-22586) to establish the Parent Tentative Map for the Kyle Canyon Master Plan area. Planning Commission and staff have recommended approval.
08/23/07	<p>The Planning Commission recommended approval of companion items GPA-20469, ZON-22351 and SUP-20468 concurrently with this application.</p> <p>The Planning Commission voted 6-0-1/bg to recommend APPROVAL (PC Agenda Item #21/rts).</p>
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or businesses licenses related to this site or action.	
<i>Pre-Application Meeting</i>	
No specific pre-application conference was conducted for this application. As a part of the Kyle Canyon Master Plan meetings between the City and the Master Developer submittal requirements for this application were discussed. A follow-up discussion was performed on 05/23/07 and a checklist was distributed at that time.	
<i>Neighborhood Meeting</i>	
08/07/07	<p>A neighborhood meeting was held at Mountain Crest Community Center, 4701 North Durango Drive. Approximately 75 to 80 members of the public attended. The meeting was held in an open house type format and 37 comment cards were received. The following is a summary of the comments received:</p> <ul style="list-style-type: none"> • Many of the residents who were opposed to the casino expressed that they felt their neighborhood was already served by the Santa Fe Station and they would much prefer that no casino be built at all in the area. • Several said if it was to be approved, they'd like area residents to have input regarding the design and that it should be low key and not an "eyesore." • Several residents expressed concerns about the availability of water and a desire to see the entire community not built, while several others suggested that rather than a casino, we construct a water park type of amusement park or an amusement park like Six Flags or Disneyland so that no alcohol use would be permitted. • Traffic was another concern, with residents suggesting that US 95 is already too congested and others expressing concern with increased traffic on Horse.

	<ul style="list-style-type: none">• Police protection problems were cited by several residents as concerns as well as environmental impacts.• One commenter did not live in the surrounding neighborhood but expressed that he has hiked on this land for 22 years and would have preferred it stay in federal ownership – he was not aware that it had been purchased by a private company and expressed concern of the hiking community.• Of those expressing positive response to the proposal, comments centered around the positive economic impact of the project as a whole and the availability of jobs in the area.• Some expressed a belief that their property values would be enhanced by the casino and other development.• Those commenting expressed that they'd like the hotel to be upscale and to incorporate the beauty of the area.• Keeping the height at 160 feet was important to several responders• Some expressed great enthusiasm and anticipation of a resort hotel casino – many comments were suggestive of the kinds of amenities residents would like to see at such a place – bowling, movie theaters, buffet, spa, concerts, and family oriented entertainment options.• There was a preference for an “upscale” operator• There was an expression of a desire for outside dining, and an excitement about the walkability of the community.• One commenter expressed that this is a good location because it doesn't interfere with existing homes, and that if someone did not want to live near it, they know it exists now and wouldn't have to purchase a home in that community.• There was a suggestion that the hotel casino could provide a horseback area, hayrides or some kind of a water park.• A number of residents commented that the resort should resemble Green Valley Ranch or a JW Marriot and have an open, airy feel.• Comments common to many had to do with specific traffic issues and specific requests related to the interchanges on US 95.
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Field Check	
06/08/07	The Department of Planning and Development conducted a site visit that found that the site was an unimproved desert with a few subdivision directional signs for area subdivisions. Additionally, there are some abandoned structures and trash dumped in scattered places. There are dispersed homes in the general area but not within the 2,500-foot separation area.

Details of Application Request	
Site Area	
Gross Acres	51.37

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property		TND (Traditional Neighborhood Development)	T-D (Traditional Development) [TC (Town Center Mixed Use) Kyle Canyon Special Land Use Designation]
	Undeveloped		
	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
	Undeveloped	PCD (Planned Community Development)	U(PCD) [Undeveloped (Planned Community Development) General Plan Designation]
	Undeveloped	PCD (Planned Community Development)	C-1 (Limited Commercial)
	Undeveloped	PCD (Planned Community Development)	C-2 (General Commercial)
North	Undeveloped	SC (Service Commercial)	U(SC) [Undeveloped (Service Commercial) General Plan Designation]
	Undeveloped	PCD (Planned Community Development)	U(PCD) [Undeveloped (Planned Community Development) General Plan Designation]
	ROW (US 95)	ROW (US 95)	ROW (US 95)
South	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)

East	ROW (US 95)	ROW (US 95)	ROW (US 95)
West	Undeveloped	SC (Service Commercial)	U(SC) [Undeveloped (Service Commercial) General Plan Designation]
	Undeveloped	PCD (Planned Community Development)	U(PCD) [Undeveloped (Planned Community Development) General Plan Designation]
	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Kyle Canyon	X		Y *
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
G-O Gaming Enterprise Overlay District	X		Y **
T-D Traditional Development District	X		Y *
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment	X		Y ***
Project of Regional Significance	X		Y ***

* A companion Rezoning (ZON-22351), if approved, would change the zoning category for a portion of the subject site to T-D (Traditional Development) and would include this area in the Kyle Canyon Master Plan Area.

** This rezoning action, if approved, will establish the G-O (Gaming Enterprise Overlay) District designation at this site. This is one of the necessary steps to approve a companion Special Use Permit (SUP-20478) for a non-restricted gaming facility and an eventual Site Development Plan Review for the siting of a future non-restricted gaming facility, hotel, and retail development.

*** The siting of a future non-restricted gaming facility, hotel, and retail development will meet the thresholds for both the Development Impact Notice Assessment (DINA) and Project of Regional Significance reporting requirements as it is providing greater than 300-units of tourist accommodations within the future hotel. The assessment and the corresponding comments for the entire Kyle Canyon Master Plan area were incorporated into the Development Agreement (DIR-21605) and this application should not further

impacted those conclusions. Should an updated assessment be necessary, it will be required at the time of submission for the Site Development Plan Review.

ANALYSIS

The subject site is located on the Centennial Hill Sector Map of the General Plan. There is a proposed General Plan Amendment (GPA-20469) for a portion of the site that, if approved, would designate the entire subject site as TND (Traditional Neighborhood Development). This category allows for development that is characterized as a mixed-use development type that allows for a balanced mix of housing, commercial, and civic uses. It is intended to be organized as a series of pedestrian-oriented neighborhoods with a mixture of housing types, with the uses of daily living within proximity of dwellings. The TND (Traditional Neighborhood Development) category differs from other designations by focusing on pedestrian-oriented neighborhoods that de-emphasizes gated, private streets, cul-de-sacs and perimeter walls along the roadways. Additionally, the City Council passed Resolution Adopting Guidelines for Development within the Kyle Canyon Gateway Area (R-176-2004) that included consideration of a village/employment center to be located within the Kyle Canyon Master Plan area. The Centennial Hills Sector Plan 2.2.2 – Map 2 calls for a Village Center to locate in the area of this request.

Further, there is a proposed Rezoning (ZON-22351) that, if approved, would bring the entire subject site into the T-D (Traditional Development) zoning district and under the Kyle Canyon Development Standards and Design Guidelines and Master Development Agreement. Under the area master plan the land use designation would be TC (Town Center Mixed-Use), which is generally to the west of the Horse Drive interchange on U.S. 95 and is intended to be a walkable, mixed-use center of activity with residential, retail, employment, resort and office uses linked by trails and a network of streets and sidewalks.

The applicant has submitted a request to establish the G-O (Gaming Enterprise Overlay) District to permit the establishment of a non-restricted gaming facility on the subject development site. The non-restricted gaming facility will total 155,000 square feet, and will be part of a hotel/casino development that will include a hotel, retail shops, a movie theater and a convention center. The development described by the companion Special Use Permit (SUP-20478) and this application is in the spirit of the above mentioned Resolution (R-176-2004), as it would include a “broad range of uses” including retail, entertainment, dining and other similar uses to “achieve balance for the community” within a special land use designation intended and approved for residential, employment and service activities.

Nevada Revised Statutes (NRS) 463.3086 establishes the requirements to create a Gaming Enterprise District. The applicant must prove the following upon requesting to extend or establish a Gaming Enterprise District:

1. The roads, water, sanitation, utilities and related services to the location are adequate;
2. The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;
3. The proposed establishment will enhance, expand and stabilize employment and the local economy;
4. The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;
5. The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area.

Please note the following relative to the requirements listed above:

1. Water, sanitation, utilities and related services will be adequate to support the proposed development. Expansion of the existing services will be required of the applicant as the development is constructed. The Master Drainage Study, Master Sanitary Sewer Study, and Master Traffic Study have all been conditionally approved and incorporated into the Development Agreement (DIR-21605). These conditionally approved plans call out specific mitigation measures that must be taken as development proceeds within the plan area.
2. The proposed development will not impact public services or the quality of life enjoyed by residents of the surrounding neighborhoods, but will enhance the appearance and economic well-being of the area. The site intended for the establishment of the G-O (Gaming Enterprise Overlay) District is to the west of U.S. 95 and is within the TC (Town Center Mix-Use) special land use designation, where development constant with this type of overlay is appropriate.
3. The proposed development will bring additional employment, commercial facilities and tax revenues to the city of Las Vegas, and expand the local economy.
4. The Centennial Hills Sector Plan of the General Plan calls for a Village Center to be located in this general vicinity to provide commercial services to the local area per Map 2 and Section 2.4 of the plan. The City Council adopted a Resolution (R-176-2004) which calls for the consideration of a village/employment center within the Kyle Canyon plan area. Further, applications (GPA-20469 and ZON-22351) have been filed to bring the entire subject development site within the

area covered by the Kyle Canyon Development Standards and Design Guidelines (ZON-20543) and the Development Agreement (DIR-21605). The subject site is designated as TC (Town Center Mixed-Use) which calls for a mix of more intense, urban activities including retail, employment and resort uses. The applications have been filed in accordance with NRS 278 and City of Las Vegas requirements.

5. The proposed development will not be a detriment to the health, safety or general welfare of the community. The subject site is buffered from existing residential and educational uses to the east by the U.S. 95 Interstate and more than 1,500 feet of undeveloped land. To the north and south the Kyle Canyon Master Plan calls for similar intensity mixed-use development. To the west the zoning has yet to be established but the General Plan calls for these undeveloped parcels to be a mix of SC (Service Commercial) and PCD (planned Community Development) which should not be impacted with regard to the health, safety or general welfare by this request.

In addition to the above requirements, NRS 263.3086 states that the boundary of the site, defined as the "property line," must meet the following separation requirements on the date that the petition is filed:

1. 500 feet from the property line of a developed residential district; and
2. 1,500 feet from the property line of a public school, private school or structure used primarily for religious services or worship; and
3. The proposed establishment will not impact a residential district, school or religious facility.

The applicant has submitted an exhibit prepared by their engineer, showing the appropriate separation distance from all protected uses listed in NRS 463.3086. Based on the separation requirements, the site would be eligible for non-restricted gaming.

The site proposed for the establishment of a G-O (Gaming Enterprise Overlay) District meets the separation requirements and the siting requirements pursuant to the Nevada Revised Statutes applicable to the establishment of a non-restricted gaming facility. Further, the site is appropriate for development of this nature and provisions have been included within the Development Agreement (DIR-21605) to that effect; therefore staff is recommending approval of this request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **"The proposal conforms to the General Plan."**

The approval of the recent Rezoning (ZON-20543) and Development Agreement (DIR-

21605) actions that formally established the Kyle Canyon Master Plan and the proposed General Plan Amendment (GPA-20469) and Rezoning (ZON-22351), would allow the proposed application to be consistent with the General Plan. Specifically, the Centennial Hills Sector Plan of the General Plan calls for a Village Center to be located in this general vicinity to provide commercial services to the local area.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The potential uses are consistent with the proposed G-O (Gaming Enterprise Overlay) District establishment and are generally compatible with exiting and future surrounding uses and districts. The separation requirements of NRS 263.3086 have been complied with and there is adequate buffering between the proposed district and existing residential and educational uses, which are greater than 1,500 feet away from the borders of this proposed district. Additionally, the Kyle Canyon Development Standards and Design Guidelines outline uses applicable to the TC (Town Center Mixed-Use) special land use designation and are generally compatible with a Gaming Establishment, Non-restricted use allowed under this rezoning request.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The proposed development will enhance the community by providing local employment and services that promote development in compliance with both the Resolution Adopting Guidelines for Development within the Kyle Canyon Gateway Area (R-176-2004) Section III. E. and Centennial Hills Sector Plan Sections 2.2 and 2.4. Such development is characterized as a higher intensity, mixed-use development type that allows for a balanced mix of housing and commercial uses. Further, this action helps to facilitate a pedestrian-oriented community with the uses of daily living within proximity of future residential dwellings. Additionally, this type of development will provide a positive economic impact to the surrounding area.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

A Master Traffic Study has been conditionally approved for the Kyle Canyon Master Plan area and incorporated into the Development Agreement (DIR-21605). Section 7 of the agreement spells out specific criteria for how and when improvements and mitigation measures must be performed. Pursuant to the Kyle Canyon Development Standards and Design Guidelines Figure 6-1, the street network adjacent to the subject project site on the west (Hualapai Way), north (Oso Blanca Road), and south (Iron Mountain Road) includes Arterial Streets and Frontage Roads. This category of roadways is designed to handle high volume and is generally found at the community's perimeter. The street cross

sections include shared travel lanes widened to accommodate cyclists and enhanced landscaping, sidewalks, and/or multi-use trails to buffer vehicular traffic from any potential adjoining residential uses. The traffic study included vehicular traffic calculations for the inclusion of a Gaming Establishment, Non-restricted (hotel/casino) use when evaluation of the roadway capacity was completed. The applicant is continuing to work with the City as necessary updates are required for the Master Traffic Study. Additionally, the Development Agreement Section 5.03 makes provisions for a 2.5 acre Regional Transportation Commission (RTC) Transit Center site within the TC (Town Center Mixed-Use) special land use designated area. This RTC Transit Center will offer additional transportation options to this area.

PLANNING COMMISSION ACTION

The Planning Commission indicated concerns regarding underage persons and access to the eventual gaming facility. There were protest speakers on this matter.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 42 by Planning Department

APPROVALS 0

PROTESTS 0